

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVIS TOTTEN, #182985,

Plaintiff,

v.

C. CALDWELL, et al.,

Defendants.

CIVIL ACTION NO. 11-12926
DISTRICT JUDGE SEAN F. COX
MAGISTRATE JUDGE MARK A. RANDON

**ORDER DENYING PLAINTIFF'S APPLICATION
FOR APPOINTMENT OF COUNSEL WITHOUT PREJUDICE**

The plaintiff, who is proceeding *pro se*, has filed an application for appointment of counsel. “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987)(quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)); see also *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th cir. 1994) (“In exercising its discretion, the district court should consider the legal complexity of the case, the factual complexity of the case, and the [plaintiff’s] ability to investigate and present his claims, along with any other relevant factors.”)

In this case, the interests of justice do not require appointment of counsel at this time. Accordingly, it is **ORDERED** that the plaintiff's application for appointment of counsel is **DENIED WITHOUT PREJUDICE**.

s/Mark A. Randon _____
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: February 27, 2012

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, February 27, 2012, electronically.

s/Melody R. Miles
Case Manager to Magistrate Judge Mark A. Randon